

ACCEPTED/FILED

JAN 29 2015

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In the Matter of

Part 90 Conditional Licensing Authority  
Above 470 MHz

RM-11722

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AUG -7 2014

Federal Communications Commission  
Bureau / Office

To: Chief, Wireless Telecommunications Bureau  
Chief, Public Safety and Homeland Security Bureau

REPLY COMMENTS  
OF THE  
LAND MOBILE COMMUNICATIONS COUNCIL

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The Land Mobile Communications Council ("LMCC"), pursuant to Section 1.415 of the Federal Communications Commission ("FCC" or "Commission") Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Reply Comments in the above-captioned proceeding.<sup>1</sup> The record confirms that the Private Land Mobile Radio ("PLMR") community would benefit from expansion of the conditional licensing provisions of FCC Rule Section 90.159 to Part 90 applications for spectrum above 470 MHz.

The LMCC explained in its Petition for Rulemaking<sup>2</sup> why the historical rationales for limiting conditional licensing authority to the bands below 470 MHz were no longer applicable in light of changes in the regulatory environment in the intervening decades. The parties commenting in this proceeding agreed. The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), the Enterprise Wireless Alliance ("EWA"), and Blooston,

<sup>1</sup> Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Land Mobile Communications Council Petition for Rulemaking Regarding Conditional Licensing Authority above 470 MHz, and Deny Request for Extension of Temporary Waiver, *Public Notice*, RM-11722, DA 14-867 (June 23, 2014) ("Public Notice").

<sup>2</sup> Land Mobile Communications Council, Petition for Rulemaking In the Matter of Expansion of Conditional Licensing Authority under FCC Rule Section 90.159 of Part 90 Bands: 470-512 MHz, 800 MHz, and 900 MHz (filed May 15, 2014) ("RM Petition").

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Mordkofsky, Dickens, Duffy & Prendergast, LLP ("BloostonLaw"), on behalf of its clients, all agreed that the above-470 MHz co-channel protection standards, if anything, are less complex than those below 470 MHz. They concurred that conditional licensing conditioned on proper coordination consistent with those standards was highly unlikely to be the cause of co-channel conflicts.<sup>3</sup> EWA also agreed that the recent experience with extending conditional licensing authority to eligible Wireless Telecommunications Bureau applicants by FCC waiver demonstrated that this flexibility could be authorized permanently, and expanded to applicants for Public Safety frequencies, with confidence that doing so would not cause disruption of PLMR systems in those higher bands. No party opposed the rule change proposed in the RM Petition.

For these reasons, the LMCC urges the FCC to initiate a rulemaking proceeding consistent with the Petition at the earliest possible opportunity.

Respectfully submitted,

/s/

Gregory Kunkle, President  
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August 7, 2014

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<sup>3</sup> The concerns expressed by Mobile Relay Associates ("MRA") actually concern FCC enforcement of the conditional licensing rules when parties do not adhere to them, rather than any deficiency in the rules themselves.